



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,502	06/09/2000	Robert L. Piccioni	067555.0102	2473

7590

08/27/2002

Darren W Collins Esq
Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

KANG, PAUL H

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 08/27/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

G

Office Action Summary

Application No.

09/590,502

Applicant(s)

PICCIONI, ROBERT L. *RP*

Examiner

Paul H Kang

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The information disclosure statement filed June 3, 2002 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the Applicant has failed to provide the dates of publication as required by 37 CFR 1.98(b). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2152

3. Claims 1, 2, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colgan, US Pat. No. 5,510,978, in view of Brown, US Pat. No. 6,173,284.

4. As to claims 1, 17 and 20, Colgan teaches the invention substantially as claimed. Colgan teaches a system and method for situation tracking comprising:

a computer readable storage medium (Colgan, col. 5, line 43 – col. 6, line 47);

receiving an alert at a clearing house from a mobile device associated with a law enforcement vehicle (an input device is used by a police officer in the field to enter event details. Colgan, col. 5, line 43 – col. 6, line 47).

However, Colgan does not explicitly teach handling a public safety event based on the alert; generating a notification in response to a subscriber profile and the event; and determining a destination for the notification based on the subscriber profile. In the same field of endeavor, Brown teaches a system for handling a public safety event by generating a notification to selective subscribers based on subscriber profile (received public safety event profiles are queried in the database and the matching results are reported to users; Brown, col. 1, line 21 – col. 4, line 18 and col. 7, line 7 – col. 8, line 18 and col. 11, lines 10-55).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the public safety event notification as taught by Brown into the community policing program of Colgan for the purpose of increasing efficiency by automating data input and notification.

Art Unit: 2152

5. As to claims 2 and 18, Colgan-Brown teach a type associated with the alert at the clearing house and wherein the event comprises a type indication, a location indication, a time indication, a date indication, an access level and event details (Brown, col. 7, line s 7-63).

6. Claims 3-5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colgan-Brown as applied above, and further in view of Langsenkamp et al., US Pat. No. 5,912,947.

7. As to claims 3 and 19, Colgan-Brown teach the invention substantially as claimed. However, Colgan-Brown does not explicitly teach a notify criteria, the notify criteria comprising a geographic distance around a first location indication, wherein the event comprises a second location indication and wherein generating a notification comprises determining whether the second location indication is within the geographic distance of the first location indication.

In the same field of endeavor, Langsenkamp teaches a notify criteria designating a geographic location for which notifications are generated (Langsenkamp, col. 12, line 1 – col. 13, line 36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the geographic location based notification, as taught by Langsenkamp, into the notification system of Colgan-Brown for the purpose of efficiently directing information.

Art Unit: 2152

8. As to claim 4, Colgan-Brown-Langsenkamp teach associating at least one information need with the subscriber profile, the information need comprising at least one event related item of interest to the subscriber (Langsenkamp, col. 7, lines 7-26);

comparing the information need to at least one of the events (Langsenkamp, col. 7, lines 7-26); and

determining at least one notification to be generated in response to a result associated with the comparison (Langsenkamp, col. 7, lines 7-26).

9. As to claim 5, Colgan-Brown-Langsenkamp teach the result comprising a selected event selected based on the comparison (Langsenkamp, col. 7, lines 7-26).

10. Claims 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colgan-Brown-Langsenkamp as applied above, and further in view of Hunt et al., US Pat. No. 5,893,091.

11. As to claim 6, Colgan-Brown-Langsenkamp teach the invention substantially as claimed. However, Colgan-Brown-Langsenkamp do not explicitly teach generating the at least one notification comprises generating at least a portion of one web page based on the selected event and wherein the destination comprises a web site.

In the analogous field of networked notification systems, Hunt teaches implementing websites to post notification to users (Hunt, col. 9, line 11 – col. 10, line 14).

Art Unit: 2152

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the use of web pages to notify subscribers into the system of Colgan-Brown-Langsenkamp for the purpose of increasing notification delivery efficiency and enhancing delivery options.

12. As to claim 7, Colgan-Brown-Langsenkamp-Hunt teach generating the at least one notification comprises generating at least one electronic mail message based on the selected event and wherein the destination comprises an electronic mail address (Brown, col. 7, lines 7-63 and col. 11, lines 10-29).

13. As to claim 8, Colgan-Brown-Langsenkamp-Hunt teach comparing the information need comprising determining whether the subscriber is allowed to access the event (Brown, col. 7, lines 7-30).

14. As to claim 9, Colgan-Brown-Langsenkamp-Hunt teach handling the event comprises updating the event when the alert is updating an existing event and generating the event when the alert is associated with a new event (Colgan, col. 10, line 36 – col. 11, line 46).

15. As to claims 10 and 11, Colgan-Brown-Langsenkamp-Hunt teach the subscriber profile comprises a generic profile comprising a media profile (Brown, col. 7, line 7 – col. 8, line 49).

Art Unit: 2152

16. As to claims 12 and 13, Colgan-Brown-Langsenkamp-Hunt teach generating the notification comprises:

comparing at least one criteria element associated with a notify criteria associated with the subscriber profile and at least one event element of the emergency event (Brown, col. 7, line 7 – col. 8, line 49);

determining a match between the notify criteria and the emergency event based on the comparison (Brown, col. 7, line 7 – col. 8, line 49); and

determining whether a media subscriber associated with the media generic profile has access to the matched events (Brown, col. 7, line 7 – col. 8, line 49).

17. As to claims 14 and 15, Colgan-Brown-Langsenkamp-Hunt teach the criteria element and the event element comprise a type and geographic location associated with the event (Brown, col. 7, line 7 – col. 8, line 49).

18. As to claim 16, Colgan-Brown-Langsenkamp-Hunt teach a subscriber associated with the subscriber profile has access to the matched events based on a type associated with the profile (Brown, col. 7, line 7 – col. 8, line 49).

Response to Arguments

19. The Applicant argued in substance that:

a. “Neither Colgan nor Brown, either alone or in combination, teach or suggest every element of Claims 1, 17 and 20. Claim 1 recites, in part, ‘receiving an alert at a clearing house’, ‘handling a public safety event based on the alert’ and ‘generating a notification in response to a subscriber profile and the event’... The Examiner has not shown how Brown teaches or suggests these elements of Claim 1 and Brown does not teach or suggest these elements... “Claim 17 is allowable for at least the reasons discussed above, in addition, Claim 17 recites, in part, ‘generating an alert from a mobile device associated with a law enforcement vehicle’. The Examiner relies on Colgan to teach these elements of Claim 17... Colgan does not teach or suggest ‘a law enforcement vehicle’, nor has the Examiner shown where Colgan teaches this element of Claim 17.”

As to point a, Colgan-Brown, in combination, teach all limitations of Claims 1, 17 and 20. As pointed out in the rejection above, the device taught by Brown is a mobile monitoring system which receives “alerts,” i.e. events from a remote police officer or other persons regarding certain crimes, and based on the specifics of those events, queries the database and determines notification of the results (see Brown, col. 7, line 7 – col. 8, line 18). The subscriber and event profile are inputted into the system by the user, e.g. police officer and the notification is transmitted to relevant users.

b. “Brown does not teach or suggest an ‘access level’. The cited portion of Brown appears to involve a password and username associated with a police officer used to log-on to a web based interface. Brown, col. 7, lines 7-30. The mere existence of a username

and password does not teach or suggest an 'access level' associated with an 'event' because the username and password are associated with the police officer instead of the event."

As to point b, Applicant argues limitations which are not essential to the scope of the prior art. The definiteness of the language employed must be analyzed, not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. Insofar, the claims have been given the broadest reasonable interpretation consistent with the specification and the prior art during the examination of this patent application since the applicant may then amend his claims, the thought being to reduce the possibility that after a patent is granted, the claims may be interpreted as giving broader coverage than is justified. Therefore, applicant's arguments regarding the access level to access a specific event are not given weight as to the patentability of the claimed subject matter. "Access level" as claimed could be interpreted to mean access into the system, i.e. limit unauthorized persons from access.

c. "No motivation exists to combine Colgan-Brown with Langsenkamp. The Examiner has merely made a conclusory statement that Colgan-Brown is combinable with Langsenkamp without providing any motivation in either Colgan-Brown or Langsenkamp, or the knowledge available in the art, for the proposed combination... Applicant respectfully submits that the Examiner has provided no motivation to combine Colgan-brown-Langsenkamp with Hunt beyond conclusory statements that 'it would

Art Unit: 2152

have been obvious' and that networked notification systems are an analogous field, nor does such motivation exist."

As to point c, in response to applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Colgan-Brown teaches a policing system operable over a data network notify persons of emergency events. Langsenkamp also teaches a public notification system operable over a data network in the same field of endeavor. Langsenkamp, however, adds the feature of limiting and identifying the geographic location of the event, which would also be beneficial to the system of Colgan-Brown to efficiently characterize the logged event. Additionally, in implementing the data networked notification system, the artisan would look to teachings in the art detailing efficient implementation of the notification system. Hunt provides such details allowing the artisan to incorporate well known methods in the art to increase the efficiency and effectiveness of the notification system.

Art Unit: 2152

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2152

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Paul H Kang
Examiner
Art Unit 2152

August 26, 2002



LE HIEN LUU
PRIMARY EXAMINER